UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,095	02/12/2002	Rick Otenasek		7259

7590   02/22/2008

OBER/KALER
c/o Royal W. Craig
Suite 800
120 East Baltimore Street
Baltimore, MD 21202

EXAMINER
INGVOLDSTAD, BENNETT

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
02/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)
	10/075,095	OTENASEK ET AL.
	Examiner	Art Unit	
	Bennett Ingvoldstad	2623	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-11_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-11_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _12 February 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 5 is objected to because of the following informalities:

Claim 5: "said database" [pg. 19, l. 20] lacks antecedent basis.

2.   Appropriate correction is required.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Bartholomew (US 7069310) in view of Petras (US 7143089).

Regarding claim 1, Bartholomew discloses "a system for distributed maintenance

and publishing control of a library of video files for public access over the

internet" (a system for uploading, storing, and distributing media files e.g. video

for public access over the internet [Abstract]), comprising:

- a central server (storage 350 [Fig 3], which is a hard drive attached to a
  server [col. 9, l. 23-25]) accessible over a distributed communication
  backbone (accessible via Internet 320 [Fig 3] [col. 8, l. 47-61]) for storing a
  central library of multimedia content (media files [col. 8, l. 50][col. 4, l. 42-
  46]);

- a network administrator (application server 330 [Fig 3], which
  manages/administers the user's interaction with the network [col. 9, l. 11-
  16][Fig 4]) for maintaining said library of multimedia content at the central
  server (server manages files 470, 490 [Fig 4]), said maintenance including
  tagging each work with an abstract of information (server associates a
  user-provided program description with the work [col. 16, l. 15-17]) and
  storing the multimedia work with associated abstract in said central library
  (server stores uploaded media files [col. 15, l. 58-62] including abstracts
  [col. 16, l. 18-23]);

- a catalog of available multimedia works intermittently compiled from the
  abstracts and stored on said central server (listings of the uploaded files
  provided to other servers and web sites [col. 3, l. 27-30]);

Bartholomew does not further disclose a remote content review/control site.

Petras discloses "a system for distributed maintenance and publishing control

of a library" of works (maintenance and publishing of a library of user-submitted

opinions [Abstract]) comprising "a remote content review/control site that

intermittently polls the catalog maintained on the central server to ascertain when

new works have become available" (a server aggregates all proposed uploads into a review queue which is remotely accessible by a reviewer [col. 11, l. 47-50]) allowing a reviewer to edit the information (reviewers have editing powers [col. 32, l. 38-60]) and "to approve/disapprove each such work for public access" ([col. 11, l. 50-54]) and to send a publication message "to the network administrator indicating that the work should be made available" (a publication message is sent to the website after review and approval [col. 11, l. 50-54]).

It would have been obvious to one of ordinary skill in the art to modify the user-submitted publication database disclosed by Bartholomew with the teaching of Petras' user-submitted publication database for the purpose of screening content before it is made available to the public, thus improving the usefulness and quality of the information being added and denying or editing submissions from "bullies and pranksters" ([Petras col. 5, l. 57-67; col. 32, l. 38-40]).

Regarding claim 5, Bartholomew discloses "a method for distributed maintenance and publishing control of a library of video files for public access over the internet" (a method for uploading, storing, and distributing media files e.g. video for public access over the internet [Abstract]), comprising the steps of:

- providing a web portal to independent video producers by which they can upload their video files to a central upload site (an Internet repository web site to which users may transfer various media files [col. 9, l. l. 46-51] including videos [Abstract]);

- performing pre-processing on each video file uploaded to said central

  upload site, said pre-processing including verification of a video file format

  (user plugin verifies that video is in a standard format [col. 12, l. 2-7]),

  screening based on file size (plugin compresses the media [col. 11, l. 52-

  65], thus screening for file size), translation when necessary to a uniform

  pre-determined file format (plugin encodes video to a standard file format

  [col. 12, l. 2-7]), tagging each file added to said database with an abstract

  of information (server associates an abstract with the media [col. 16, l. 15-

  22]).

- sending an administrative alert for each file added to [a] database to an

  administrator (user sends an administrative alert for each file by issuing a

  "create" command 410 [Fig 4], the server being an administrator because

  it manages/administers the uploaded files, e.g. steps 470, 490 [Fig 4])

Bartholomew does not further disclose that the files are stored "in a database

of files needing approval" and reviewed for publication approval or disapproval.

Petras discloses "a method for distributed maintenance and publishing control

of a library of" works "for public access over the internet" (maintenance and

publishing of a library of user-submitted opinions over the internet [Abstract])

wherein works are stored "in a database of files needing approval" (a review

queue holds database additions or changes for review [col. 11, l. 47-50]).

Further, a catalog is maintained "at said central upload site of all new tagged files

in said database" (the review queue catalogs all the proposed items [col. 11, l.

47-50]). Further, a reviewer periodically canvasses "said catalog from a remote reviewing site" (managers remotely access the review queue in order to review database additions or changes [col. 11, l. 47-54]), and "for each new tagged file in said database," reviews the work "as desired" (managers may choose which works to review, with incentives for older works [col. 11, l. 53-56]), and sends "a publication approval or disapproval message back to the administrator at the central upload site" (an approval message is sent back to the website so that publishing may be implemented [col. 11, l. 50-53], and editing [col. 32, l. 44-46] implies a disapproval of the original submission).

It would have been obvious to one of ordinary skill in the art to modify the user-submitted publication database disclosed by Bartholomew with the teaching of Petras' user-submitted publication database for the purpose of screening content before it is made available to the public, thus improving the usefulness and quality of the information being added and denying or editing submissions from "bullies and pranksters" ([Petras col. 5, l. 57-67; col. 32, l. 38-40]).

Regarding claim 9, Bartholomew discloses "a method for distributed maintenance and publishing control of a library of video files for public access over the internet" (a method for uploading, storing, and distributing media files e.g. video for public access over the internet [Abstract]), comprising the steps of:

- uploading digital video works from independent producers to a central upload site (an Internet repository web site to which users may transfer various media files [col. 9, l. l. 46-51] including videos [Abstract]);

- tagging each digital video work with an abstract of information including any fields from among the group comprising subject matter category, subject (server associates a subject description with the media [col. 16, l. 15-22]), date, runtime, author, and rating;

- storing each tagged work with associated abstract in a database on a web-enabled network server (server stores the abstract with the work on the web server [col. 16, l. 18-22]);

- periodically canvassing the abstracts on said network server (attributes, i.e. abstracts, relating to media files are "canvassed" in order to create mediagrams composed of lists of hyperlinks and associated attributes [col. 17, l. 22-37]) and compiling a catalog of available works at said network server (generating lists of hyperlinks to media files on the server [col. 17, l. 2-7])

Bartholomew does not further disclose a remote content review/control site. Petras discloses "a method for distributed maintenance and publishing control of a library of video files for public access over the internet" (maintenance and publishing of a library of user-submitted opinions over the internet [Abstract]) comprising the step of "maintaining a remote content review/control site for reviewing and controlling availability of" works "for public access" (managers

remotely review works before allowing them to be published [col. 11, l. 51-54]),

"said remote content review/control site periodically polling said catalog at the

network server to ascertain when new works are available" (managers

periodically log in to access the review queue [col. 11, l. 47-53]), "and said

remote content review/control site having the ability to screen each new work"

(management sub-community has access to the screening queue [col. 11, l. 51-

54]), "and to approve/disapprove each said work for public access viewing,

whereby said content review/control site serves as a gatekeeper to screen those

works that are appropriate for general public access" (works must be reviewed

and approved before publishing [col. 11, l. 51-53])

It would have been obvious to one of ordinary skill in the art to modify the

user-submitted publication database disclosed by Bartholomew with the teaching

of Petras' user-submitted publication database for the purpose of screening

content before it is made available to the public, thus improving the usefulness

and quality of the information being added and denying or editing submissions

from "bullies and pranksters" ([Petras col. 5, l. 57-67; col. 32, l. 38-40]).

Regarding claims 2 and 6, depending respectively on claims 1 and 5,

Bartholomew further discloses that the library of multimedia content at the central

server is maintained in a database ([Abstract]).

Bartholomew in view of Petras does not further specifically disclose that the

database be a SQL database.

Petras suggests the use of SQL databases ([col. 3, l. 25-29]).

Therefore it would have been obvious to one of ordinary skill in the art to modify the database disclosed by Bartholomew in view of Petras to be a SQL database for the purpose of using a well-known query language to access the database records, thus allowing easy development of the server software.

Regarding claims 3 and 7, depending on claims 1 and 6, Bartholomew further discloses "wherein said library of multimedia content at the central server is maintained in a uniform digital video format" (the client encodes the files into a standard format before uploading [col. 12, l. 2-7]).

Regarding claims 4 and 8, depending respectively on claims 1 and 7, Bartholomew in view of Petras does not further disclose that the standard digital format ([Bartholomew col. 12, l. 2-7]) be AVI digital format.

Official Notice is taken that the AVI digital format was well known to be a standard digital format at the time of the invention.

Therefore it would have been obvious to try using the AVI digital format as the standard digital video format ([Bartholomew col. 12, l. 2-7]) due to the limited number of standard digital video formats known to one of skill in the art and the well-known nature of the AVI digital format.

Regarding claim 11, depending on claim 9, Bartholomew in view of Petras further

discloses "providing streaming video access to all works approved by said

review/control site for public access viewing" (data streaming server 360 streams

published works to users 390 [Fig 3][col. 8, l. 38-61])

5.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Bartholomew (US 7069310) in view of Petras (US 7143089), further in view of Tota (US

7308413).

Regarding claim 10, depending on claim 9, Bartholomew in view of Petras does

not further disclose "receiving mailed NTSC videos and digitizing said NTSC

videos into digital video works at said central upload site."

Tota discloses a method for uploading content to a central server comprising

receiving mailed video tapes and digitizing the videos into digital video works at a

central upload site (receiving mailed video tapes [col. 17, l. 40-45][col 18, l. 58-

68] which are uploaded to a computer database [Abstract])

It would have been obvious to one of ordinary skill in the art to modify the

method for uploading content disclosed by Bartholomew in view of Petras with

the teaching of the method for uploading content disclosed by Tota for the

purpose of providing an alternate means of sending user-submitted content, thus

allowing the user to choose among a plurality of submission methods ([Tota col.

17, l. 3-5])

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvoldstad whose telephone number is (571)270-3431. The examiner can normally be reached on M-Th 8-6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. .

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BI

VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600